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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

**COMMISSIONERS**

SUSAN BITTER SMITH - Chairman

BOB STUMP

BOB BURNS

DOUG LITTLE

TOM FORESE

DOCKETED BY

*[Signature]*

FEB 26 2015

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AZ CORP COMMISSION  
DOCKET CONTROL

IN THE MATTER OF THE APPLICATION OF  
CIRCLE CITY WATER COMPANY, LLC FOR  
AN EXTENSION OF ITS EXISTING  
CERTIFICATE OF CONVENIENCE AND  
NECESSITY FOR WATER SERVICE.

DOCKET NO. W-03510A-13-0397

**STAFF'S RESPONSE TO REQUEST TO  
MODIFY PROCEDURAL ORDER TO  
RESCHEDULE PUBLIC COMMENT  
SESSION**

On January 13, 2015, the Hearing Division issued its Procedural Order (Vacates Procedural Schedule) ("Order") whereby the procedural schedule set forth in the Hearing Division's December 10, 2014 Procedural Order was suspended to allow for settlement discussions to take place. However, the Order maintained the March 2, 2015, hearing for the purpose of taking public comment.

On February 23, 2015, Circle City Water Company, LLC ("Circle City" or "Company") filed a Request to Modify Procedural Order to Reschedule Public Comment Session ("Request"). Therein, Circle City advised that it had failed to provide notice that a hearing would be held March 2, 2015, for the purpose of taking public comment as set forth at page 2, lines 19-20 of the Order.<sup>1</sup> Absent such notice, the Company has requested an unspecified amount of additional time to satisfy the notice requirement and reschedule the hearing.

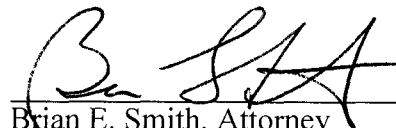
In general, Staff does not object to Circle City's Request given the lack of the required notice in this instance. However, Staff would object to the Request to the extent it suggests that the presently scheduled March 2, 2015, be vacated and rescheduled entirely. Staff believes the March 2, 2015, hearing should be held as scheduled for those members of public who have been following this matter on the docket and intend to appear on that date. Staff would recommend that a

<sup>1</sup> It should be noted that reference to the hearing is actually on page 3 of the Order.

1 second hearing for public comment be scheduled and properly noticed to accommodate those  
2 members of the public who did not receive the benefit of notice as required by the Order.

3 Based on the foregoing, Staff requests that the March 2, 2015, hearing be held as scheduled  
4 and that a second hearing for taking of public comment be scheduled in accordance with the notice  
5 provisions set forth in the Order and the Hearing Division's calendar.

6 RESPECTFULLY SUBMITTED this 26<sup>th</sup> day of February 2015.

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9 \_\_\_\_\_  
10 Brian E. Smith, Attorney  
11 Legal Division  
12 Arizona Corporation Commission  
13 1200 West Washington Street  
14 Phoenix, Arizona 85007  
15 (602) 542-3402  
16

17 Original and thirteen (13) copies  
18 of the foregoing filed this  
26<sup>th</sup> day of February 2015 with:

19 Docket Control  
20 Arizona Corporation Commission  
1200 West Washington Street  
Phoenix, Arizona 85007

21 Copy of the foregoing emailed  
22 this 26<sup>th</sup> day of February 2015

23 AND

24 Copy of the foregoing mailed  
25 this 27<sup>th</sup> day of February 2015  
to:

26 Robert T. Hardcastle  
27 Circle City Water Company, LLC  
Post Office Box 82218  
28 Bakersfield, California 93380-2218  
[RTH@brookeutilities.com](mailto:RTH@brookeutilities.com)

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Karyn Christine